IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.MC.No. 11287 of 2002()

CC.67/2000 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
.....

PETITIONER:

T.G. ALEXANDER, THOTTUMUTTATHU VEEDU,
CHETTIVILAKOM VILLAGE, TRIVANDRUM DISTRICT.

BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.V.RENJU
SMT.RAGAM.K.P.

RESPONDENTS:
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1. **STATE REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

2. **BHARATHAKSHEMAM, ROUND SOUTH, THRISSUR, A CHIT COMPANY REPRESENTED BY B.A. DAVIS, BRAHMAKULAM HOUSE, P.O. NADATHARA, ANCHERI.**

BY ADV. SRI.DILIP J. AKKARA
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.MC. NO.11287/2002

ORDER ON CRL.MP. 8900/2002 IN CRL.MC. 11287/2002

DISMISSED

26.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

Crl.M.C.No.11287 of 2002

Dated this the 26th day of July, 2007

O R D E R

The petitioner has sought for setting aside the proceedings in C.C.No.67/2000 in the court of Chief Judicial Magistrate, Thrissur with respect to the offences under Sections 406, 420 read with 34 IPC alleging that the amounts due to the second respondent kuri company has been fully satisfied and that the only remedy available to the second respondent is to institute civil suit.

2. Annexure 1 is the copy of the private complaint filed which has been taken cognizance vide C.C.No.67/2000.

3. I find that the main allegation is that the fixed deposit receipt No.564399 deposited with the bank as security for availing the chit amount was got encashed without information to the second respondent, after obtaining a duplicate certificate representing that the original has been lost. In the circumstances, this is not a fit case to invoke Section 482 of Crl.P.C. The petitioner may apply for discharge before the court below.

The Crl.M.C. is dismissed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.585/2000

ORDER

27th July 2007